## STATE OF ILLINOIS

## ILLINOIS COMMERCE COMMISSION

MENARD ELECTRIC COOPERATIVE,	)
Complainant,	) ) )
VS.	) No. 01-0443
AMERENCIPS d/b/a CENTRAL ILLINOIS PUBLIC SERVICE COMPANY,	) ) )
Respondent.	)
	ICC DOCKET NO. 01-0443
	MENARD EXHIBIT NO.
	WITNESS:
	DATE:
	REPORTER

#### SEARCH TO:

THE EAST HALF ( $E_2$ ) OF THE NORTH EAST QUARTER (NE%) OF SECTION THIRTY THREE (33) EXCEPT .63 OF AN ACRE IN THE NORTHEAST CORNER THEREOF -AND-

THE EAST HALF (E) OF THE SOUTH EAST QUARTER (SEL) OF SECTION THIRTY THREE (33)

ALL IN TOWNSHIP SEVENTEEN (17) NORTH, RANGE EIGHT (8) WEST OF THE THIRD PRINCIPAL MERIDIAN, IN CASS COUNTY, ILLINOIS.

FROM: AUGUST 24, 1957.

(DATE OF DEATH OF AGNES M. LATHOM)

DOWN TO: SEPTEMBER 13, 2000 AT 12:10 P.M.

(DATE OF RECORDING OF ANNEXATION IN VOLUME CCC OF MISCELLANEOUS RECORDS AT PAGES 125 THRU 128.)

CASS COUNTY ABSTRACT CO., A CORPORATION HEREBY CERTIFIES THAT WE HAVE HEREBY MADE A SEARCH OF THE RECORDS OF CASS COUNTY, ILLINOIS, AS TO THE ABOVE DESCRIBED PROPERTY FROM AUGUST 24, 1957 DOWN TO SEPTEMBER 13, 2000 at 12:10 PM.

DATED THIS -28th- day of OCTOBER, A.D. 2002 at 4 30 P.M.

CASS COUNTY ABSTRACT CO.

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IN THE MATTER

OF THE ESTATE

ITEM #2 -of-

IN THE COUNTY COURT, NOW THE CIRCUIT COURT, OF THE EIGHTH

PROINIA, IL JUDICIAL CIRCUIT, CASS COUNTY,

AGNES M. LATHOM, Deceased.

STATE OF ILLINOIS.

PETITION FOR PROBATE OF WILL

AND LETTERS TESTAMENTARY

filed September 18, 1957 alleges that Agnes M. Lathom, a resident of the County of Cass and State of Illinois, died on the 24th day of August, 1957, at Cass County, Illinois, leaving a Last Will and Testament, which the Petitioner Patrick D. Lathom now presents to the Court for Probate.

That the approximate value of the real and personal estate of the testator in this State is as follows:

Personal estate not to exceed in value......\$ 1500.00 Real Estate not to exceed in value.....\$ 64000,00

That the names and post office addresses of all of testator's heirs, devisees and legatees are as follows:

NAMES HEIRS, DEVISEES OR LEGATEES

ADULT OR MINOR

RESIDENCE AND POST OFFICE ADDRESS

Patrick D. Lathom....Heir and Legatee...Adult..Pleasant Plains, Illinois

(PAGE THREE)

CPAGE SEVENT

That Testatrix by said Will nominated as executor Patrick D. Lathom whose post office address is as above stated, a resident of this State.

PETITION subscribed and sworn to by Patrick D. Lathom on September 18, 1957, and prays that said Will be admitted to probate and that Letters Testamentary be issued to him.

ORDER ADMITTING WILL TO PROBATE filed September 18, 1957, recorded in Will and Executor's Record "P" at page 221 is as follows:

"This day came Patrick D. Lathom of the County of Cass in the State of Illinois and produced in Court an instrument in writing purporting to be the Last Will of Agnes M. Lathom, deceased, and his petition, duly verified, praying that said Will might be admitted to probate and that Letters Testamentary thereon might be issued to himself, the Executor named therein, the hearing upon which was set for this day; and it appearing to the Court that said Patrick D. Lathom is the only heir at law, legatee and devisee of said deceased, no notice of such hearing is required.

And it appearing to the Court Mrbm said petition that Agnes M. Lathom of the County of Cass and State of Illinois departed this life on August 24, 1957, leaving said writing as and for her Last Will; and thereupon Charles F. Barber and Beulah E. Beck, subscribing witnesses to said Will, appeared, and in open Court, on oath, testified. And it appearing to the Court from said testimony that said Will was duly executed and attested according to law and that said Testator was of sound mind and memory and otherwise competent to make her will at the time of signing or acknowledging the same, IT IS ORDERED that said Will be considered proved and that it be admitted to probate as the Last Will of said Agnes M. Lathom, Deceased.

AND IT FURTHER ORDERED that Letters Testamentary on said Will be issued to Patrick D. Lathom, the Executor named in said Will, upon his filing in this Court his bond as such Executor in the penal sum of Three Thousand Dollars, conditioned as the law directs and upon his taking an oath of office as required by law.

(Page FOUR)

SAID PATRICK D. LATHOM was duly appointed Executor of said Last Will and Testament and duly qualified as such by filing his bond and taking to cath of office on September 18, 1957, and Letters Testamentary thereon issued to him on said last mentioned date.

NOTICE OF CLAIM DATE given by posting a notice at the front door of the Court House in the City of Virginia, Cass County, Illinois, and by public a notice thereof in The Ashland Sentinel, a newspaper having a general circulation in said County for three successive weeks, the first publicat being on the 27th day of Sept. 1957 and ending on the 11th day of October. 1957. (THE CLAIM DATE being fixed on the 4th day, of November, 1957.)

ORDER FINITING HEIRSHIP filed September 18, 1957 and recorded in Will and Executor's Record "P" at page 20, is as follows:---

"THIS CAUSE coming on to be heard upon the affidavit filed herein by Patrick D. Lathom as to the heirship of Agnes M. Lathom, deceased, and the Court being fully advised in the premises FINDS:

That said Agnes M. Lathom died testate, a resident of Cass County on August 24, 1957 leaving her surviving no husband, no descendants of a predeceased child or children, no adopted child or children nor descendants of a predeceased adopted child or children, but left her surviving her son, PATRICK D. LATHOM, her sole and only heir at law.

ENTERED: This 18th day of September, 1957.

Fred W. Reither, Judge."

INVENTORY filed and approved June 2, 1958 contains a description of the following real estate:

"The East Half of the Southeast Quarter of Section 33 and the East Half of the Northeast Quarter of said Sec. 33, except .63 of an acre in Northeast corner of said Northeast Quarter, all in Township 17 North, Range 8 West of the Third Principal Meridian, (and other lands not herein abstracted) all of said real estate being situated in the County of Cass and State of Illinois."

(Page SIX)

due in the amount of \$2542.40. Also shows Federal Estate Transfer Tax due in the amount of \$9213.60.

ORDER ASSESSING TAX filed January 9, 1959 shows said tax due in said amount of \$2542.40 and said tax was marked paid.

FINAL REPORT filed February 20, 1959 shows the following:

"All debts, claims and charges against said estate, including the costs of this Court and also including Federal Estate Transfer and Illinoi Inheritance Taxes" the balance distributed as follows: "Patrick D. Lathom, Son of Agnes M. Lathom, deceased, sole heir, devisee and legatee.

ORDER DECLARING ESTATE SETTLED AND DISCHARGING PATRICK D. LATHOM AS EXECUTOR OF THE WILL OF AGNES M. LATHOM, DECEASED, filed February 20, 1959, and recorded in Final Report Record "R" page 126 is as follows:

"And now comes Patrick D. Lathom, Executor of theestate of Agnes M.

Lathom, deceased, and moves the Court for an order declaring the estate of the said deceased, finally settled, and asking to be discharged from any further duty as such Executor.

And it appearing to the satisfaction of the Court that all persons interested have entered Waiver of Notice and Consent to approval of Final Account, as is required by rule of this Court, and no person appearing to object or show cause why said motion should not be allowed, and it appearing to the satisfaction of the Court that the said Patrick D. Lathom has performed all the duties of his office according to law, and has fully disbursed to the person entitled thereto all the assets which have come to his hands belonging to said estate, and has complied with all the orders of the Court relating thereto, and has paid the costs of this Court.

IT IS THEREFORE ORDERED by the Court that the Account of the said
Patrick D. Lathom filed on the 20th day of February, A. D. 1959, approved
the 20th day of February, A. D. 1959, be taken as and for final settlement
of said estate and as such recorded; and that the said Patrick D. Lathom
be discharged from any further duty on this the 20th day of February, A.D.
1959, and that the Clerk issue to him a Certificate of Discharge under
Seal of the Court.

Fred W. Reither, Judge."

CERTIFICATE OF DISCHARGE issued February 20, 1959.

ESTATE
Nature of Case....

Attorneys:

ESTATE OF PATRICK DAVIN LATHOM, deceased

MCCLURE, BRANNAN, &HARDWICK

Form AO 69-32 Byers Printing Company, Springfield, Illinois,

1	DATI	1	IUDGE AHD REPORTER		COSTS
12	2	9 9 3		Petition for Probate of Will and for Independent	50.
			Welch	Latters Testamentary filed. Affidavit of Heirship	0./
				filed. Order Declaring Heirship entered. Last Wil	1 .
!				and Testament heretofore filed Dec. 15, 1993. Orde	r
				Admitting Will to Probate entered. Order Appointing	8
				Legal Representative of Decedent's Estate entered.	
			 	Bond of Legal Representative- No Surety filed and	
				approved. Oath of Office filed. Letters issued.	
L	5	94		Rights of Interested Persons During Independent	
				Administration; Form of Petition to Terminate Ad	
				ministration filed. Notice to Heirs and Legatees	
- ;	24	94		Inventory filed. Certificate of Service filed.	
2	14	94	:	Certificate of Publication filed.	
8	3	94		l certified copy of Will.	4.50 pd
2	18	96	·	Certificate of Service filed.	
1	15	97	Welch	Entry of Appearance filed. (4) Order of Discharge entered.	) }
2 1	17	97		Clerk's Certificate of Final Account filed.	
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CIRCUIT COURT OF EIGHTH
JUDICIAL CIRCUIT, ILLINOIS

DEC 29 1993

CASS COUNTY, IN PROBATE

Evelyn K Dienter Circuit Cloth, Casa County, III.

ESTATE OF

PATRICK DAVIN LATHOM,

NO. 93-P-63

DECEASED

PETITION FOR PROBATE OF WILL AND FOR INDEPENDENT LETTERS TESTAMENTARY

Martin Patrick Lathom on oath states:

- 1. Patrick Davin Lathom, whose place of residence at the time of death was 217 North Illini, P.O. Box 315, Ashland, Cass County, Illinois, died December 8, 1993, in Ashland, Illinois, leaving a Will dated January 17, 1974, which I believe to be valid and the Last Will and Testament of Patrick Davin Lathom.
  - 2. Approximate value of the estate in this state:
    Personal \$100,000 Real Estate \$800,000
    Annual income from real estate Undetermined
- 3. The names and post office addresses of the testator's heirs, legatees, and devisees are:

Heir-H Legatee-L Minor-M Name Relationship Devisee-D Incompetent-I Address Martin Patrick Rural Route 1, Box 50 Lathom Son H,L,D Pleasant Plains, IL 62677 G. Thomas Lathom Son H,L,D Centre Square West 32nd Floor 1500 Market Street Philadelphia, PA 19102

Mary Francis
Standley
Daughter
H,L,D

14 Merrygrove Drive
Jacksonville, IL
62650

Elizabeth Ann
Alexander
Daughter
H,L,D

14 Merrygrove Drive
Jacksonville, IL
62650

4. The testator nominated as Executor the following, qualified and willing to act:

Name

Post Office Address

Martin Patrick Lathom

Rural Route 1, Box 50 Pleasant Plains, IL 62677

I ask that the Will be admitted to probate and that Independent Letters Testamentary issue.

I ask that no authorization to appraise goods and chattels issue.

Martin Patrick Lathom Rural Route 1, Box 50

Pleasant Plains, IL 62677

Signed and sworn to before me

Dorom 1997: 29 , 1993.

Notary Public

"OFFICIAL SEAU"

RUTH KILBY

NOTARY PUBLIC—STATE OF ILLINOIS

MY COMMISSION EXPIRES DEC. 10, 1996

\*

McCLURE, BRANNAN & HARDWICK Attorneys for Petitioner P.O. Box 48 Virginia, IL 62691 Telephone: (217) 452-3037

**PAGE TWELVE** 

CIRCUIT COURT OF EIGHTH
JUDICIAL CIRCUIT, ILLINOIS

FILED

DEC 29 1933

CASS COUNTY, IN PROBATE

Evelyn L'Irenter Circuit Gladi, Casa County, Ill.

PATRICK DAVIN LATHOM,

ESTATE OF

NO. 93-P- 63

#### AFFIDAVIT OF HEIRSHIP

Martin Patrick Lathom, being first duly sworn upon his oath, deposes and says:

- 1. That, your deponent is an adult resident of the City of Pleasant Plains, County of Sangamon, and State of Illinois.
- 2. That, your affiant is the son of Patrick Dayin
  Lathom who died December 8, 1993, and who resided at 217 North
  Illini, Ashland, Cass County, Illinois, at the time of his
  passing.
- 3. That, as the son of the said Patrick Davin Lathom, your affiant is familiar with his heirship.
- 4. That, during his lifetime, the said Patrick Davin
  Lathom was married but once, that marriage being to Wandalee
  Lathom, which marriage ended upon the death of Wandalee Lathom in
  1978.
- 5. That, as the result of the aforesaid marriage, there were born four (4) children as follows: Martin Patrick Lathom, G. Thomas Lathom, Mary Francis Standley, and Elizabeth Ann Alexander.

- That, the said Patrick Davin Lathom did not adopt nor enter into any contracts to adopt any children during his lifetime.
- Based upon the foregoing, your affiant is of the opinion that at the time of the death of the said Patrick Davin Lathom on December 8, 1993, he left surviving as his sole and only heirs at law the following:

Martin Patrick Lathom, son; G. Thomas Lathom, son; Mary Frances Standley, daughter; and Elizabeth Ann Alexander, daughter.

Further your affiant saith not.

Martin Patrick Lathom

Signed and sworn to before me

Notary Public

OFFICIAL SEAL"

RUTH KILBY

NOTARY PUBLIC—STATE OF ILLINOIS

MY COMMISSION EXPIRES DEC. 10, 1996 "OFFICIAL SEAL"

McCLURE, BRANNAN & HARDWICK Attorneys for Petitioner P.O. Box 48

Virginia, IL 62691

Telephone: (217) 452-3037

(PAGE FOURTEEN)



DEC 29 1993

Evelyn & Obenter

Circuit Cloris, Casa County, Ill.

JUDICIAL CIRCUIT, ILLINOIS

CIRCUIT COURT OF EIGHTH

CASS COUNTY, IN PROBATE

ESTATE OF )

DECEASED

PATRICK DAVIN LATHOM,

NO. 93-P- 63

#### ORDER DECLARING HEIRSHIP

After considering evidence concerning heirship, the Court ascertains and declares that Patrick Davin Lathom, deceased, left as his only heirs at law:

Martin Patrick Lathom, son;

G. Thomas Lathom, son;

Mary Francis Standley, daughter; and
Elizabeth Ann Alexander, daughter.

ENTER:

(2-29

1993.

JUDGE

MccLure, Brannan & Hardwick Attorneys for Petitioner P.O. Box 48 Virginia, IL 62691 Telephone: (217) 452-3037

(PAGE FIFTEEN)

# FILED

LAST WILL AND TESTAMENT

OF

PATRICK D. LATHOM

DEC 7-551993.

: Evelyn & Prenter Circuit Clark, Caza County, III.

I, PATRICK D. LATHOM, a resident of Rural Route, Pleasant Plains, Cass County, Illinois, hereby revoke all of my former Wills and Codicils, if any, and declare the following as my Will:

#### ARTICLE I

I direct that all costs of administration upon my estate as well as my funeral expenses, specifically including costs of a burial lot and a suitable monument and marker, if needed, be paid by my Executor, hereinafter named, as soon after my death as may be practicable.

#### ARTICLE II

In the event my wife, WANDALEE M. LATHOM, shall survive me for a period of at least thirty (30) days from the date of my death, then I give and devise unto her all of my real estate, specifically including real estate hereafter referred to as the "Home Place" and legally described as:

The South Ninety (90) acres of the East Half of the East Half of Section Thirty-three (33), Township Seventeen (17) North, Range Eight (8) West of the Third Principal Meridian, Cass County, Illihois,

my said wife to have and hold all of my said real estate for and during her natural life only, and upon her death, I give and devise all of my said real estate unto my children in equal shares, share and share alike, the descendants of any child who may predecease me to take their ancestor's share, per stirpes, provided, however, that said devise of all of my real estate to my said children shall be subject to the following condition: In the event my son, MARTIN P. LATHOM, with whom I am now, and for

Page 1 PAL

many years past have been, farming, desires to purchase said 90 acre tract, hereafter referred to as the "Home Place", from my estate, he shall have the option to do so in the following manner:

- (a) Within 120 days from the date of my said wife's death, my said son shall file with the Recorder of Deeds of Cass County, Illinois, an election signed by my said son, indicating his desire to purchase the "Home Place";
- (b) Upon the filing of such election my said son shall request a Circuit Judge of Cass County, Illinois, to appoint three disinterested appraisers, and said appraisers shall go upon the "Home Place" and make appraisal thereof, including all improvements thereon and growing crops, if applicable. Said appraisers shall further cause appraisal to be made of all of the rest, residue, and remainder of my real estate, including any and all improvements thereon, together with growing crops, if applicable;
- (c) Said appraisers shall then file their separate written appraisals with the Recorder of Deeds Office specifiying their several opinions as to the full fair cash market value of said "Home Place", and their several opinions as to the full fair cash market value of the remaining portion of all my real estate, said latter appraisal to fully take into account any reduction in value as to real estate located immediately adjacent to the north of the "Home Place" which might result from a severance of said "Home Place" from the remainder of said total acreage which presently is farmed and operated as a unit;
- (d) The average of the three appraisals concerning the "Home Place", added to the average of the three appraisals concerning all of the rest, residue, and remainder of my real estate, shall constitute the total and separate values of my real estate for purposes of this Article II and for purposes of division as herein provided;
  - (e) Upon ascertaining the total value of all of my real estate, both "Home Place" and remaining real estate, my said son shall, within 90 days after filing of the last written appraisal hereinabove provided for, pay over to each of my other children one-fourth of the difference in value between the value of the "Home Place" and the value of what would be my said son's undivided one-fourth interest in the value of all of my real estate, including the "Home Place";
  - (f) Upon my said son electing to purchase the "Home Place", and consummation of said purchase as hereinabove provided, my said son's interest in all of the rest, residue, and remainder of my real estate, exclusive of the "Home Place", shall divest and my children other than said MARTIN P. LATHOM shall be the sole and exclusive owners of said rest, residue, and remainder of my real estate;

LAST WILL AND TESTAMENT OF PATRICK D. LATHOM.

Fage 2

- (g) Upon payment being made to my other children by my said son, as aforesaid, relative to the difference in value between what would be my said son's undivided one-fourth interest in all my real estate and the value concerning the "Home Place", my said other children shall execute and deliver a Deed of Conveyance to said "Home Place" as my said son may direct;
- (h) In the event any of my children, other than my said son, MARTIN P. LATHOM, shall be deceased at the time my said son is to make payment pertaining to adjustment concerning values between the "Home Place" and what would be my said son's undivided one-fourth interest in all of my real estate, my said son shall pay over such share to the descendants of any child who might be deceased, per stirpes;
- (i) If for any reason the value of the "Home Place" should be less than what would be the one-fourth interest of my said son, MARTIN P. LATHOM, in all of my real estate including the "Home Place", and my said son elects to purchase said "Home Place", my other children are directed to each pay over to my said son one-fourth of the difference in value, as above determined, between the "Home Place" and what would be my said son's undivided one-fourth interest in all of my real estate, including the value of the "Home Place" and my other real estate, such payment by each of my other children to be made to my said son, MARTIN P. LATHOM, within one (1) year from the date of filing of an election to purchase said "Home Place" by my said son. I direct that a lien be imposed upon all of my real estate, other than the "Home Place", to secure payment of said amounts to my said son, and I further direct that my other children fully satisfy said lien, in default of which my said son shall have the right to institute an action to enforce payment of sums which may be due from any one or more of my other children;

- (j) Any expenses, including, but not by way of limitation, appraisers', legal, and filling fees, incurred in connection with my said son's election to purchase the "Home Place" shall be solely paid for by him, insofar as said fees do not relate to legal costs independently incurred by any of my other children relative to representation concerning my said son's election to purchase, and purchase, of said "Home Place". In the event I shall survive my said wife, and my said son exercises his option to purchase, and in fact purchases, said "Home Place" under Article III, infra, all reasonable expenses incurred in connection with said election to purchase, and purchase, shall be paid for out of the residue of my personal estate.
- (h) Should any one or more of my children, other than my said son, MARTIN P. LATHOM, die prior to completion of all matters relative to exercise of the aforesaid election option by my said son, MARTIN P. LATHOM, and leave no descendants surviving, the percentages to be paid over by either or both my said son and my said other children as adjustments shall be accordingly modified to take into account only shares applicable to living children and those children who might be deceased who have descendants surviving them;

(1) In providing my son with the above election option it was and is my intention that each of my children should receive an approximately equal amount of acreage in farm real estate now owned by me or in which I have an interest, and the acreage allocated to that which I refer to as the "Home Place" in my judgment represents approximately one-fourth of all of the farm real estate that I now own or have an interest in:

In the event any questions shall arise concerning interpretation of any provision of this Article II, the decision of my Executor concerning the same shall be final and binding upon all interested parties, absent willful or wanton misconduct on the part of my Executor in making such determination or decision.

In the event my said wife shall survive me as aforesaid, I further give, devise and bequeath unto her all of the
rest, residue and remainder of my personal estate, of whatever
nature and wheresoever located, subject, however, to the provision and direction that, in the event I shall be the owner,
either in part or whole, at the time of my death, of any farm
machinery and equipment, including, but not by way of limitation,
tractors, combines, farm trucks, pick-up trucks, and similar
equipment items, my aforesaid son, MARTIN P. LATHOM, shall have
the option of purchasing the same from my estate upon the basis
of appraisal values.

In the event my said wife so survives me, I expressly make no provision herein for any of my children, other than as hereinabove specified concerning the described real estate and farm machinery and equipment.

#### ARTICLE III

Should my said wife predecease me, or fail to survive me for a period of at least thirty (30) days from the date of my death, then I give, devise and bequeath all of the rest, residue and remainder of my estate, of whatever nature and wheresoever located, unto my children in equal shares, share and share alike, the descendants of any child or children who may have predeceased me to take their ancestor's share, per stirpes, provided, however, (PAGE NINETEEN)

LAST WILL AND TESTAMENT OF PATRICK D. LATHOM.

Page 1 PAP

that my said son, MARTIN P. LATHOM, shall have the option to purchase certain real estate and farm machinery and equipment described and referenced in foregoing Article II, upon the same terms and conditions, and through the same manner, as therein expressed.

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### ARTICLE IV

I hereby nominate and appoint my said wife to act as Executor of this, my Last Will and Testament, and I direct that all statutory surety provisions be waived as to any official bonds required to be filed by her in such capacity. In the event my said wife is, for any reason, unwilling or unable to act, or to complete her duties, as Executor, then I nominate and appoint my son, MARTIN P. LATHOM, to act as Executor, also with the aforesaid waiver of surety on all official bonds. In the event my said son is, for any reason, unwilling or unable to act, or to complete his duties, as Executor, then I nominate and appoint my son, GLEN THOMAS LATHOM, to act as Executor, also with the aforesaid waiver of surety on all official bonds. I specifically direct my Executor to first satisfy claims, taxes, administration expenses, and other costs relating to my estate out of my personal property. In addition to the foregoing authority, said Executor shall have the following powers and discretions, in each case to be exercisable without any court orders and without any liability on the part of Executor, absent willful and wanton misconduct, to-wit:

- A. To retain, to sell, to lease, to borrow money and for that purpose to mortgage or to pledge, all or any part of the real or personal property of my estate;
- B. To settle claims in favor of or against my estate;
- C. To exercise or not to exercise any election or option granted to Executor by the Internal Revenue Code in force at my death, even though such exercise or non-exercise increases or decreases estate principal or income;
  - D. To distribute the residue of my estate in cash or in kind or partly in each, and for this

LAST WILL AND TESTAMENT OF PATRICK D. LATHOM.

Page 5 PD ?

purpose the determination of Executor as to the value of any property distributed in kind shall be conclusive; and

E. To execute and deliver any deeds, contracts, mortgages, bills of sale or other instruments necessary or desirable for the exercise of Executor's powers and discretions.

#### ARTICLE V

Should my said wife and I die as the result of a common disaster or otherwise under circumstances whereby it cannot with reasonable certainty be ascertained which of us died first, it shall be presumed that I survived my said wife. Should any of my children die in, or as a result of, the same common disaster above referred to or otherwise under circumstances whereby the chronological order of death of myself, my said wife, and any of my deceased children cannot, with reasonable certainty, be ascertained, it shall be presumed that I survived my said wife and deceased children.

PATRICK D. LATHOM

#### ATTESTATION

We, the undersigned, hereby certify that on the date above set forth, we saw PATRICK D. LATHOM sign the foregoing instrument after declaring the same in our presence to be his Last Will and that, at his request and in his presence and sight and in the presence and sight of each other we have signed our

LAST WILL AND TESTAMENT OF PATRICK D. LATHOM.

the state of the s

Page 6 PDZ

names below as attesting witnesses, believing the testator at the time of executing the foregoing instrument to be of sound. mind and memory and under no constraint nor undue influence.

Coler B. Thomser estiding at

the Hanting residing at

Jama ( - Atar residing at

STATE OF ILLINOIS ) SS.

# AFFIDAVIT OF ATTESTING WITNESSES

# TO EXECUTION OF WILL

We, the attesting witnesses to the Will of PATRICK D. LATHOM, on oath state that each of us was present on the Will, of which this affidavit is a part, in our presence; that the Will was attested by each of us in the presence and sight of the testator and all the other attesting witnesses; and that each of us believed the testator to be of sound mind and memory and under no constraint nor undue influence at the time testator signed the Will.

Ella Hankmul

Jam J. Atas

LAST WILL AND TESTAMENT OF PATRICK D. LATHOM.

Page 7 PDZ

(PAGE TWENTY TWO)

Signed and sworn to before me Jacuary (7, 1974.

My Commission Expires:

Signed and sworn to before me Jacuary (7, 1974.

Notary Public

Signed and sworn to before me Jacuary (7, 1974.

LAST WILL AND TESTAMENT admitted into Probate this 29th day of December, A. D., 1993

/s/ Robert L. Welch

LAST WILL AND TESTAMENT OF PATRICK D. LATHOM.

(PAGE TWENTY THREE)

Page 8 PD-L

FILED

CIRCUIT COURT OF EIGHTH
JUDICIAL CIRCUIT, ILLINOIS

DEC 29 1993

Evelyn L' Trenter Circuit Clork, Cass County, III.

CASS COUNTY, IN PROBATE

ESTATE OF

PATRICK DAVIN LATHOM,

DECEASED

NO. 93-P-63

ORDER ADMITTING WILL TO PROBATE

On the verified Petition of Martin Patrick Lathom for admission to probate of the Will of Patrick Davin Lathom who died December 8, 1993,

IT IS ORDERED that the Will of Patrick Davin Lathom, dated January 17, 1974, is admitted to probate.

ENTER:

12-21

1993.

JUDGE

McCLURE, BRANNAN & HARDWICK Attorneys for Petitioner P.O. Box 48 Virginia, IL 62691 Telephone: (217) 452-3037

CIRCUIT COURT OF EIGHTH JUDICIAL CIRCUIT, ILLINOIS

JAN 24 1994

Ewlijn & Dienter

CASS COUNTY, IN PROBATE

ESTATE OF

PATRICK DAVIN LATHOM,

DECEASED

NO. 93-P-63

#### INVENTORY

The following is the Inventory of the real and personal property of the decedent that has come to the knowledge of the legal representative of this estate and of any cause of action on which there is a right to sue:

#### REAL ESTATE

- 1. Residence See Exhibit "A";
- 2. Davin Farm - See Exhibit "B";
- 3. McCubbins Farm (one-half interest) plus improvements - See Exhibit "C"
- 4. Home Place plus improvements See Exhibit "D".

#### PERSONAL PROPERTY

- 1. Grain:
  - 9800 bushel corn (approximately)
  - 2300 bushel beans (approximately)
- 2. State Bank of Ashland:
  - Thirty (30) shares of common stock;
  - Checking Account #247839 В.

\$ 2,277.99

- Sixty-seven (67) U. S. Government E Bonds at \$25 face value
- 1989 Ford Taurus
- 5. Franklin Life Insurance - Payable to estate

7,537.00

7. One (1) Lot of Household Goods

The approximate value of personal estate at date of death is Eighty-five Thousand Dollars (\$85,000).

The approximate annual income from real estate is undetermined.

The bond of the individual representative is Two Hundred Thousand Dollars (\$200,000) with surety waived.

Martin Patrick Lathon

Martin Patrick Lathom Independent Executor

Signed and sworn to before me

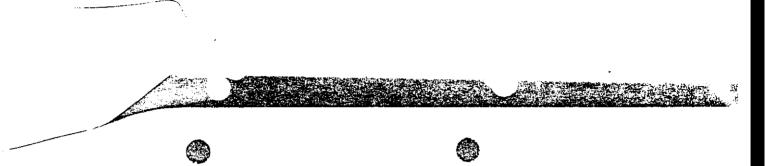
(1994)

Caroly L. Defentaugt

Notary Public

CAROLYN L. DEFENBAUGH BOTHLY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 8/27/95

McCLURE, BRANNAN & HARDWICK Attorneys for Independent Executor P.O. Box 48 Virginia, IL 62691 Telephone: (217) 452-3037



The East Half (E½) of the Northeast Quarter (NE¾) of Section Thirty-three (33) except .63 of an acre in the Northeast corner thereof; and the East Half (E½) of the Southeast Quarter (SE¾) of Section Thirty-three (33), all in Township Seventeen (17) North, Range Eight (8) West of the Third Principal Meridian in Cass County, Illinois,

#### EXCEPT THE FOLLOWING TRACT:

Part of the East Half (E½) of the Northeast Quarter (NE½) of Section Thirty-three (33), Township Seventeen (17) North, Range Eight (8) West of the Third Principal Meridian, Cass County, Illinois, and more particularly described as follows:

Commencing at the Northwest corner of the East Half (E½) of the Northeast Quarter (NE½); thence East along the North boundary of said tract 180.75 feet to a point; thence at right angles South 180.75 feet; thence at right angles West 180.75 feet, more or less, to the West boundary of the East Half (E½) of the Northeast Quarter (NE½); thence at right angles North and along said West boundary a distance of 180.75 feet, more or less, to the point of beginning, consisting of three-fourths (3/4) of one acre, more or less.

1

DECEASED

APPROVED:



DEC 1 8 1996

ESTATE OF	)		Euclyn H. Cheatte Circuit Clork, Cass Dounty, I
PATRICK DAVIN LATHOM,	) }	NO. 93-P-63	

FINAL REPORT OF INDEPENDENT REPRESENTATIVE

- I, Martin Patrick Lathom, Independent Executor, hereby submit the Final Report in the above estate and state:
- 1. Attached hereto as Exhibit "A" is the final accounting in the above estate which contains a proposed distribution to the beneficiaries of said estate.
- 2. Notice has been waived or given in accordance with 755 ILCS 5/6-10 and 755 ILCS 5/9-5.
- 3. Notice required by 755 ILCS 5/18-3 has been published, and the first publication occurred more than six (6) months prior to the date of this Report.
- 4. Copies of the estate Inventory and final accounting have been mailed or delivered as required by 755 ILCS 5/28-6 and 755 ILCS 5/28-11.
- 5. Each claim filed has been allowed, disallowed, compromised, dismissed, or is barred by law.

	 	 1996.
JUDGE		

- 6. All claims allowed have been paid in full.
- 7. No Illinois Inheritance Tax and Federal Estate Tax have been found to be due in this estate.
- 8. All administration expenses and other liabilities of the estate have been paid, and the administration of said estate has been completed.
- 9. The remaining assets of the estate have or will be distributed to the persons entitled thereto as set forth in the final accounting attached.
- 10. That the fees paid or payable to the independent representative and his attorneys have been approved by all interested parties.
- 11. The names and post office addresses, if known, of each person entitled to notice of the filing of this Report are:

G. Thomas Lathom Centre Square West 32nd Floor 1500 Market Street Philadelphia, PA 19102

Mary Francis Standley 14 Merrygrove Drive Jacksonville, IL 62650 Elizabeth Ann Alexander 402 South Diamond Street Jacksonville, IL 62650

Marty Lathom Rural Route 1, Box 50 Pleasant Plains, IL 62677

Martin Patrick Lathom

STATE OF ILLINOIS )

COUNTY OF CASS )

MARTIN PATRICK LATHOM, being first duly sworn upon his oath states that he has read the above and foregoing Final Report by his subscribed and the contents thereof are true.

Morten Patrick Lathor

Martin Patrick Lathom

Signed and sworn to before me

December

1996.

Notary Public

OFFICIAL SEAL
WENDY J. LAMBERT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 3-21-98

# ACCOUNTING AND FINAL DISTRIBUTION ESTATE OF PATRICK DAVIN LATHOM, DECEASED CASS COUNTY NUMBER 93-P-63

1. Attached are copies of all receipts and disbursements by the estate from December 8, 1993, to date. Other than real estate, there remains in the estate a balance of \$1,550.07, which your Independent Executor proposes to distribute as follows:

Α.	Elizabeth Ann Alexander	\$387.52
B.	Mary F. Standley	\$387.52
C.	G. Thomas Lathom	\$387.52
D.	Martin Patrick Lathom	\$387.51

2. As was inventoried in the estate, the real estate in the estate consisted of a residence, the Davin Farm, the McCubbins Farm, and the Home Place. The residence has heretofore been sold and the net proceeds distributed equally to the beneficiaries of the estate. By agreement of the parties, the remaining real estate in the estate will be distributed partly to Martin Patrick Lathom, individually, being the South 80 acres and improvements on the Home Place, and the remaining real estate consisting of the North 80 acres of the Home Place, except a .63-acre tract and a .75-acre tract, the Davin Farm, and the estate's undivided interest in the McCubbins Farm will be distributed as equal tenants in common to Mary F. Standley, Elizabeth Ann Alexander, and G. Thomas Lathom, all as shown on the attached proposed "Release of Estate Interest in Real Estate."

EXHIBIT "A"

CIRCUIT COURT OF EIGHTH
JUDICIAL CIRCUIT, ILLINOIS

FILED

JAN 1 5 1997

CASS COUNTY, IN PROBATE

Erely Y. Prestic Circuit Clerk, Cass County, IL

ESTATE OF

PATRICK DAVIN LATHOM,

DECEASED

NO. 93-P-63

#### ENTRY OF APPEARANCE

I, G. Thomas Lathom, hereby enter my appearance, waive notice, and consent to the approval of the Final Report of Martin Patrick Lathom in the above-entitled estate, to the distribution of the remaining assets in the estate, both cash and real estate, as proposed, to the execution of a Release of Estate Interest in Real Estate as proposed in the Final Report, and upon accomplishing the aforesaid distributions, to the closure of the estate and the discharge of Martin Patrick Lathom, as Independent Executor.

G. Thomas Lathom

FILED

JAN 1 5 1997

Evelyn K. Vientic Circuit Clerk, Cass County, IL

ESTATE OF

PATRICK DAVIN LATHOM,

DECEASED

NO. 93-P-63

#### ENTRY OF APPEARANCE

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G. Thomas Lathom

JAN 1 5 1997

Guela - Y. Cheartie Circuit Clerk, Cass County, 11

ESTATE OF

PATRICK DAVIN LATHOM,

DECEASED

NO. 93-P-63

#### ENTRY OF APPEARANCE

I, Martin Patrick Lathom, hereby enter my appearance, waive notice, and consent to the approval of the Final Report of Martin Patrick Lathom in the above-entitled estate, to the distribution of the remaining assets in the estate, both cash and real estate, as proposed, to the execution of a Release of Estate Interest in Real Estate as proposed in the Final Report, and upon accomplishing the aforesaid distributions, to the closure of the estate and the discharge of Martin Patrick Lathom, as Independent Executor.

Martin Patrick Lathom

JAN 15 1997 Euly Y. Wester

Circuit Cierle Cass County 19

ESTATE OF

PATRICK DAVIN LATHOM,

DECEASED

NO. 93-P-63

#### ENTRY OF APPEARANCE

I, Mary F. Standley, hereby enter my appearance, waive notice, and consent to the approval of the Final Report of Martin Patrick Lathom in the above-entitled estate, to the distribution of the remaining assets in the estate, both cash and real estate, as proposed, to the execution of a Release of Estate Interest in Real Estate as proposed in the Final Report, and upon accomplishing the aforesaid distributions, to the closure of the estate and the discharge of Martin Patrick Lathom, as Independent Executor.

Mary F. Standley
Mary F. Standley

PATRICK DAVIN LATHOM, NO. 93-P-63
DECEASED

## RELEASE OF ESTATE INTEREST IN REAL ESTATE

Now comes Martin Patrick Lathom, the duly appointed, qualified, and now-acting Independent Executor of the Last Will and Testament of Patrick Davin Lathom, deceased, and in accordance with 755 ILCS 5/20-24(a) and 755 ILCS 5/28-10(a) does hereby release any and all interest which the said decedent's estate may have in the following-described real estate to the heirs or devisees hereinafter set forth:

Estate: Patrick Davin Lathom, Deceased

Decedent's Address: 217 North Illini Street, Ashland, Illinois

Date of Death: December 8, 1993

Court Name and Docket Number: Circuit Court of Cass County,
Number 93-P-63

Fiduciary: Martin Patrick Lathom, Independent Executor

Letters of Office Issued: December 29, 1993

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Real Estate Legal Description: SEE EXHIBITS ATTACHED.

Addresses of Property: Rural Route Cass County, Illinois, and Rural Route Sangamon County, Illinois

Recipients of Real Estate, per Final Report and Agreement of the Parties:

- 1) Martin Patrick Lathom, recipient of the property described on Exhibit "A" attached hereto.
- 2) G. Thomas Lathom, Elizabeth Ann Alexander, and Mary F. Standley, as equal tenants in common, concerning the property described on Exhibit "B" attached hereto.

STATE OF ILLINOIS )	Martin Patrick Lathom
COUNTY OF CASS )	
I,	, a Notary Public in and
for said County in the State	aforesaid, do hereby certify that
MARTIN PATRICK LATHOM, appear	ed before me this day in person and
acknowledged that he signed,	sealed, and delivered the above and
foregoing Release by him subsc	cribed in his fiduciary capacity as
Independent Executor of the La	ast Will and Testament of Patrick
Davin Lathom, deceased.	
Given under my hand	and notarial seal, this day
of, 1996.	
	All made a manage of the A. T. A.

Notary Public

This instrument prepared by:

Bobby G. Hardwick, Jr.
McClure, Brannan & Hardwick
113 State Street, P.O. Box 170
Beardstown, IL 62618-0170

The East Half (E) of the Northeast Quarter (NE) of Section Thirty-three (33) except .63 of an acre in the Northeast corner thereof and also except the following tract:

Part of the East Half (E%) of the Northeast Quarter (NE%) of Section Thirty-three (33), Township Seventeen (17) North, Range Eight (8) West of the Third Principal Meridian, Cass County, Illinois, and more particularly described as follows:

Commencing at the Northwest corner of the East Half (E½) of the Northeast Quarter (NE½); thence East along the North boundary of said tract 180.75 feet to a point; thence at right angles South 180.75 feet; thence at right angles West 180.75 feet, more or less, to the West boundary of the East Half (E½) of the Northeast Quarter (NE½); thence at right angles North and along said West boundary a distance of 180.75 feet, more or less, to the point of beginning, consisting of three-fourths (3/4) of one acre, more or less.

RECORDETE'S NOTE: 2NO STAMP ADDED TO CLAR! FY HANDWRITING.

STATE OF ILLINOIS

CASS COUNTY

Filed for record the 2212

day of Antony A.D. 1997

at 330 o'clock P. M. and recorded in book V.V. of Miss. page 487
Missel C. Kindner 492

COUNTY CLEME & REDORDER

STATE OF ILLINOIS

CASS COUNTY
Filed for record the 22

day of faminy A.D. 1997

ot 3:30 6 clock P. M. and recorded in book V.V of Misc. page 457

Miscel C. Kinchner 4912

COUNTY CLERK & RECORDER

0118412

CIRCUIT COURT OF EIGHTH

JUDICIAL CIRCUIT, ILLINOIS

CASS COUNTY, IN PROBATE

ESTATE OF

PATRICK DAVIN LATHOM,

DECEASED

NO. 93-P-63

#### RELEASE OF ESTATE INTEREST IN REAL ESTATE

Now comes Martin Patrick Lathom, the duly appointed, qualified, and now-acting Independent Executor of the Last Will and Testament of Patrick Davin Lathom, deceased, and in accordance with 755 ILCS 5/20-24(a) and 755 ILCS 5/28-10(a) does hereby release any and all interest which the said decedent's estate may have in the following-described real estate to the heirs or devisees hereinafter set forth:

Estate: Patrick Davin Lathom, Deceased

Decedent's Address: 217 North Illini Street, Ashland, Illinois

Date of Death: December 8, 1993

Court Name and Docket Number:

Circuit Court of Cass County,

Number 93-P-63

Fiduciary: Martin Patrick Lathom, Independent Executor

Letters of Office Issued: December 29, 1993

- 1 -

Real Estate Legal Description: SEE EXHIBITS ATTACHED.

Addresses of Property: Rural Route Cass County, Illinois, and Rural Route Sangamon County, Illinois

Recipients of Real Estate, per Final Report and Agreement of the Parties:

- 1) Martin Patrick Lathom, recipient of the property described on Exhibit "A" attached hereto.
- 2) G. Thomas Lathom, Elizabeth Ann Alexander, and Mary F. Standley, as equal tenants in common, concerning the property described on Exhibit "B" attached hereto.

Wartin Patrick Lathon

STATE OF ILLINOIS

SS.

COUNTY OF CASS

I, Acndy D. Lamber, a Notary Public in and for said County in the State aforesaid, do hereby certify that MARTIN PATRICK LATHOM, appeared before me this day in person and acknowledged that he signed, sealed, and delivered the above and foregoing Release by him subscribed in his fiduciary capacity as Independent Executor of the Last Will and Testament of Patrick Davin Lathom, deceased.

Given under my hand and notarial seal, this  $\frac{15^{12}}{12}$  day

f JANUARY , 1997.

OFFICIAL SEAL
WENDY J. LAMBERT
NOTARY PUBLIC, STATE OF ILLINOIS &
MY COMMISSION EXPIRES 3-21-98

This instrument prepared by:

Wenly & Fember

Notary Public

Bobby G. Hardwick, Jr. McClure, Brannan & Hardwick 113 State Street, P.O. Box 170 Beardstown, IL 62618-0170

McCLURE, BRANNAN & HARDWICK Attorneys for Independent Executor 113 State Street Beardstown, TE 62618 Telephone: (217) 323-2211

PERMITTED TO ME HOLD IN

1 1 Ac. 2 -

- 2

The East Half (Et) of the Southeast Quarter (SEt) of Section Thirty-three (33), all in Township Seventeen (17) North, Range Eight (8) West of the Third Principal Meridian in Cass County, Illinois.

SOUTH PART/HOME PLACE

EXHIBIT "A"

(PAGE SEVENTY)

The East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{2}$ ) of Section Thirty-three (33) except .63 of an acre in the Northeast corner thereof and also except the following tract:

Part of the East Half (E) of the Northeast Quarter (NE) of Section Thirty-three (33), Township Seventeen (17) North, Range Eight (8) West of the Third Principal Meridian, Cass County, Illinois, and more particularly described as follows:

Commencing at the Northwest corner of the East Half (E\( \)) of the Northeast Quarter (NE\( \)); thence East along the North boundary of said tract 180.75 feet to a point; thence at right angles South 180.75 feet; thence at right angles West 180.75 feet, more or less, to the West boundary of the East Half (E\( \)) of the Northeast Quarter (NE\( \)); thence at right angles North and along said West boundary a distance of 180.75 feet, more or less, to the point of beginning, consisting of three-fourths (3/4) of one acre, more or less.

NORTH PART/HOME PLACE

EXHIBIT "B"

Page 1

JAN 15 1997
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ESTATE OF

PATRICK DAVIN LATHOM,

DECEASED

NO. 93-P-63

#### ORDER OF DISCHARGE

On presentation of the Final Report and final accounting of Martin Patrick Lathom, Independent Executor, due notice having been given or waived, the Court finds that:

- 1. The Final Report of the Independent Representative containing a final accounting has been filed in this estate.
- 2. Notice has been given or waived in accordance with 755 ILCS 5/6-10 and 755 ILCS 5/9-5 (1994).
- 3. Notice required by 755 ILCS 5/18-3 (1994) has been published and the first publication occurred more than six (6) months prior to the date of this Report.
- 4. Copies of the estate Inventory and final accounting have been mailed or delivered as required by 755 ILCS 5/28-6 and 755 ILCS 5/28-11 (1994).
- 5. Each claim filed has been allowed, disallowed, compromised, dismissed, or is barred by law.
  - 6. All claims allowed have been paid in full.
- 7. No Illinois Inheritance Tax or Federal Estate Tax has been found to be due in this estate.

- 8. All administration expenses and other liabilities of the estate have been paid and the administration of said estate has been completed.
- 9. The remaining assets of the estate have or will be distributed to the persons entitled thereto as set forth in the final accounting attached.
- 10. That, the fees paid or payable to the independent representative and his attorneys have been approved by all interested parties.

IT IS HEREBY ORDERED that the Final Report and final accounting of the independent representative as heretofore filed herein is hereby approved; the person named in his capacity is discharged; his bond is cancelled; and the estate is closed.

ENTER:

1997.

JUDGE